

APPENDIX I: Adoption Subsidy and Residential Guidelines-Revised Broadcast

Broadcast: 1659

NOTE: This broadcast, #1647, was originally issued on March 4, 2002. It is being re-issued to correct the link to the Department of Education website.

DATE: March 13, 2002

TO: Local Departments of Social Services Directors, Local Foster Care and Adoption Staff, Regional Foster Care and Adoption Consultants

FROM: Cathleen Newbanks, Division Director, and Brenda Kerr, Adoption Program Manager

SUBJECT: Adoption Subsidy and Residential Placements Guidelines - Revised Broadcast

CONTACT: Appropriate Foster Care /Adoption Regional Coordinator

Central: Gary Cullen, (804) 662-9782, gjc992@central.dss.state.va.us

Eastern: Jane Hanckel, (757) 491-3986, jnh993@eastern.dss.state.va.us

Northern: Jo Ann Simmons, (540) 347-6250, jas995@northern.dss.state.va.us

Western: Brenda Street, (540) 676-5635, brs904@western.dss.state.va.us

Piedmont: Karen Walker, (540) 857-6943, kew996@piedmont.dss.state.va.us

Local agencies should refer to this broadcast for guidance when using adoption assistance payments for residential treatment, as provided in Volume VII, Section III, Chapter C, Agency Placement Adoption.

http://www.localagency.dss.state.va.us/divisions/dfs/ap/chapter_c.pdf The Department of Education <http://www.pen.k12.va.us> and Office of Comprehensive Services www.csa.state.va.us provided input in preparation of the broadcast.

Background

Local Departments of Social Services (DSS) determine eligibility for adoption assistance based on the child's special needs. When a child is determined eligible for adoption assistance, the local DSS enters into an adoption assistance agreement with the adoptive parents. The local DSS with whom the adoptive parents have the adoption assistance agreement (adoption assistance locality) remains responsible for all payment provisions of the agreement regardless of where the adoptive family resides (residence locality). The family's relocation to

another Virginia locality, or another state, has no impact on the responsibility of the adoption assistance locality. The only exception relates to Medicaid, as all IV - E adoption assistance children and some state-funded adoption assistance children are eligible for enrollment in their residence state's Medicaid program.

In addition to maintenance payments, adoption assistance policy provides for special service payments to meet the child's needs. Payments for residential treatment are permitted through special service payments provided they are included as part of the child's adoption assistance agreement.

Residential Placement and FAPT Review

When residential placement is being considered for a child receiving adoption assistance, DSS adoption policy provides that payments for the placement may be made only when the Family Assessment and Planning Team (FAPT) in the adoptive family's residence locality has assessed the plan for placement. The purpose of FAPT assessment is to determine whether appropriate community resources exist and ensure that those community-based alternatives have been considered. FAPT assessment in these situations does not involve payment from CSA funds. Rather, the team's expertise is used in the placement decision before payment from adoption assistance is approved.

There have been some recent questions regarding the expectations of FAPT in reviewing plans for residential placements for adoption assistance children and FAPT's authority regarding the decision. Of particular concern is when FAPT reviews a plan for an adoptive family receiving adoption assistance from another locality. When it appears that an adoption assistance child's needs are escalating toward possible residential placement, it is important for the DSS providing the adoption assistance to interact with the DSS in the family's residence locality early in the process. This will allow the DSS and FAPT in the family's residence locality to become familiar with the child and family, and begin conversations about community alternatives prior to the situation reaching crisis level. The DSS in the family's residence locality is responsible for presenting the case to FAPT and keeping the adoption assistance locality informed once residential treatment is recommended. As appropriate and when feasible, a worker in the adoption assistance locality familiar with the family is encouraged to attend the FAPT meeting in the residence locality. This will further enhance coordinated service planning and delivery.

Adoption assistance payments for residential placements may be made only when the placement is reviewed and recommended by the FAPT in the adoptive family's residence locality. The adoptive parents have final authority over whether to place the child in a residential facility. If FAPT has not recommended residential placement, the adoptive parents assume total costs of residential placement.

Payment for Non-Educational Residential Placements

When FAPT recommends a residential placement for an adoption assistance child receiving special education and placement is for non-educational reasons, CSA (Comprehensive Services Act) funds from the adoptive family's residence locality pay the portion of costs related to special education. CSA funds are used only for costs related to the special education component of a residential placement made by FAPT for non-educational reasons. Maintenance and other service costs resulting from the residential placement are paid through adoption assistance.

When a residential placement for an adoption assistance child is approved by FAPT for non-educational reasons, the local school division in the residence locality is responsible for revising the IEP (Individualized Education Program) to reflect the non-educational placement in accordance with the Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia. This allows the local school division, as a FAPT member, to support FAPT's recommendation for residential placement as the most appropriate service for meeting the overall needs of the child. The above-mentioned regulations are available at the Virginia Department of Education's website, <http://www.pen.k12.va.us/>.

When CSA pool funds are used to pay for the special education portion of non-educational residential placements for children receiving adoption assistance, localities must comply with all CSA requirements. Further information on these requirements is available at the Office of Comprehensive Services website, www.csa.state.va.us.